

## Westford Bylaw Review Committee

### Minutes

January 28, 2008

7:40 pm

Millennium School room 4

1. Members present: Lynn Cohen, Chair, Amber Brown, David Chandler and Kaari Mai Tari, Ex Officio. Others present: James Gozzo.
2. Discussion of request from Jim Gozzo for assistance in writing new bylaw, "Reports to be Voted Upon at ATM/STMs" (email from J. Gozzo attached)
  - a. K. Tari will email other towns to see if anyone has bylaws regarding a deadline for submission of reports that will be voted by town meeting.
  - b. It appears that the amendment would fit best into Ch. 51, the Town Meeting bylaw.
  - c. There is a state law requiring the Planning Board to report to town meeting when they've had a hearing less than 21 days prior to the meeting. J. Gozzo indicated a willingness to add language that reflects the precedence of state and other bylaws with regard to the timing of these reports to avoid any conflict with other laws.
  - d. L. Cohen clarified that the Bylaw Review Committee does not sponsor articles but rather is charged with making recommendations on warrant articles presented to or sponsored by the Selectmen.
  - e. J. Gozzo indicated that he would ask the Selectmen to sponsor the warrant article.
3. Procedures for drafting bylaws
  - a. D. Chandler will draft procedures to assist petitioners with the process of writing bylaws. The Attorney General's office has procedures to use as a template.
4. Potential bylaw amendment to address use of lawn sprinklers.
  - a. L. Cohen indicated that Ann Eno will be at the next meeting to discuss a bylaw amendment proposal regarding the use of lawn sprinklers.
5. Proposed amendment to Bylaw Review Committee bylaw
  - a. L. Cohen will draft an amendment to the BRC bylaw to make the language in 10.2.E and 10.2.F consistent as far as recommendations reported to Selectmen and/or Town Meeting.
6. Discussion of Annual Town Meeting timeline as voted by Selectmen, Jan. 8 (see attached).

Deadlines relevant to the Bylaw Review Committee:

Feb. 1: Deadline for town boards, committees and departments to submit new or amended bylaws to the Bylaw Review Committee

Mar. 11: Bylaw Review Committee reports to Selectmen on new or amended bylaws from boards, committees or departments

Mar. 12: Bylaw Review Committee recommendation to Town Counsel

Apr. 7: Bylaw Review Committee recommendation to town meeting submitted for inclusion in FinCom book

Note that there are no explicit deadlines for review & reports on new or amended bylaws that are on the warrant via citizen petition.

- a. The Bylaw Review Committee needs to make its recommendations to the Selectmen before they make recommendations on warrant articles that deal with bylaw amendments.
  - b. The BRC will propose amending the town meeting timeline to change the date of the recommendations to the Selectmen from March 11<sup>th</sup> to the 25<sup>th</sup>.
7. Discussion of bylaws and regulations (K. Tari email, originally dated Dec. 27, 2007, attached)
  8. The BRC, while sympathetic to the dilemma of consistency between bylaws and regulations feels that it is not in the purview of this committee to address these inconsistencies.
  9. Approval of minutes.
    - a. It was voted to approve the minutes of Nov. 26, 2007.
    - b. It was voted to approve the minutes of Dec. 10, 2007 with one change.

The third meeting of the General Bylaw Review Committee adjourned at 9:05 pm.

## Attachments

Agenda item #2. Letter from James Gozzo received by email: Jan 9, 2008

Greetings Lynn,

In accordance with your committee's mission (see bolded section, below), and as a member of the public, I'm requesting the committee's assistance in drafting a bylaw change.

Title: Availability of Reports to be Voted Upon at ATM/STMs

Objective: Reports that citizens are supposed to vote on at Town Meetings (ATM and STMs) should be available to the public at least a couple of weeks prior to the meeting. Citizens need time to read, review and to ask questions in advance of the meetings. This is just basic good and open government, but it also provides an additional benefit. If minor issues can be resolved prior to town meeting floor, the length of the town meeting might be reduced.

Proposed Bylaw: All reports to be presented for a vote at an ATM/STM must be made available to the public at least 3 weeks prior to the meeting.

Definition of terms: 'All reports' means both the routine annual reports by the library, schools, highway, recreation, council on aging, and all other departments, as well as the big one-time reports like the Comprehensive Master Plan, the EBC Master Plan, Zoning Bylaw re-writes, etc. 'Made available' means the report(s) to be presented at ATM/STM should be published on the town's web site, and available in paper and electronic copies at the town clerk's office.

As you are aware, this topic was briefly discussed at the 1/8/07 Selectmen meeting between the Board, the Town Moderator and myself. I had also mentioned this topic to you directly. I believe you will find the BoS is supportive of this proposal. Thank you for your assistance in this matter and I look forward to hearing from you.

Sincerely,  
Jim Gozzo  
6 Carolina Lane  
c:978-340-2908

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### **General Bylaw Review Committee Formed**

#### **Westford, 12/31/07**

In October 2006, an article was passed at Special Town Meeting to establish a General Bylaw Review Committee.

The duties of the General Bylaw Review Committee, according to the Town of Westford's General Bylaws, are as follows:

- A. The Committee shall review the Town's General Bylaws on a regular basis to ensure their internal consistency and their conformity in formatting, placement, and chapter numbering.
- B. The Committee shall review the Town's General Bylaws on a regular basis to ensure their consistency with any applicable law and the Town Charter.
- C. The Committee may propose to the Selectmen for inclusion in the warrant for the next annual or special town meeting any amendments or additions to the General Bylaws that the Committee determines should be made so as to resolve inconsistencies within the Bylaws or with applicable law or the Town Charter.

- D. **The Committee shall assist** any Town board, officer, administrator, or **member of the public**, if requested, in drafting amendments or additions to the General Bylaws that will be proposed for inclusion in a Town Meeting warrant.
- E. Whenever practicable, the Selectmen shall submit to the Committee all proposed amendments or additions to the General Bylaws prior to their inclusion in the warrant for any town meeting. The Committee shall meet and review all such proposed amendments and additions and shall report to the Selectmen its recommendations as to their form and consistency with existing provisions of the General Bylaws and the Town Charter and as to their placement in the General Bylaws.
- F. The Committee chair or some members of the Committee designated by the Committee shall report to the Town Meeting any recommendations the Committee considers appropriate with respect to any article in the Warrant that proposes an amendment or addition to the General Bylaws. The Moderator shall call upon the Committee for such report prior to the discussion or vote on such article.
- G. The Committee shall assist the Town Clerk in preparing from time to time the publication of the General Bylaws including all amendments and additions thereto.

We would like to invite Town boards, officers, administrators and members of the public who are interested in proposing amendments or additions to the General Bylaws to attend their regularly scheduled meetings for assistance.

General Bylaw Review Committee meetings will be held twice per month on the second and fourth Monday evenings from 7:30 to 9:00 p.m. in the Millennium building (space permitting). Our next regularly scheduled meeting is January 14<sup>th</sup>.

Sincerely,

Bylaw Review Committee  
Lynn Cohen, Chair  
Kaari Mai Tari, Secretary and ex officio member  
David Chandler  
Amber Brown

Agenda item #6: Town Meeting timeline

**Town of Westford  
Timeline  
Annual Town Meeting Saturday, May 10, 2008**

Tues. Jan. 15, 2008	Warrant opens
	Deadline to submit Community Preservation grant application to the Community Preservation Committee.
Wed. Jan. 16, 2008	Voter registration & party enrollment change deadline for Presidential Primary
Jan. 31, 2008	Town Manager submits FY09 budget to Selectmen and Finance Committee
February 2008	Budget Hearings
February 2008	Deadline for submittal of all street acceptance application materials to Permitting Office.
<b>Fri. Feb. 1, 2008</b>	<b>Deadline for town boards, committees and departments to submit new or amended bylaws to the Bylaw Review Committee.</b>
Tues. Feb. 5, 2008	Presidential Primary

Fri. Feb. 15, 2008	4:00pm Deadline for town boards, committees and department heads to submit “placeholder” articles in as much detail as possible
Tues. March 4, 2008	4:00pm Deadline for petition articles to be submitted to the Selectmen’s Office
Tues. March, 4, 2008	4:00pm Deadline for filing zoning and scenic road by law petitions to Planning Board. Selectmen review departmental placeholder articles with sponsoring board/committee/department present
Thu. March 6, 2008	12:00 pm Deadline to file documentation for zoning and scenic road bylaw amendment articles with the Planning Office
Fri. March 7, 2008	4:00 pm Deadline to submit Planning Board public hearing notices to Westford Eagle
Tues. March 11, 2008	Selectmen close the Warrant and decide the order of the articles Selectmen & Finance committees meet jointly to discuss warrant articles and FY09 budget requests jointly with Finance Committee? Selectmen discuss wording of any proposed ballot question(s) (if necessary) with Town Counsel present. Public Forum: FY09 Budget discussion with Selectmen, Finance Committee & School Committee. Town boards, committees and departments invited <b>Bylaw Review Committee reports to Selectmen on new or amended bylaws from boards, committees or departments.</b>
Wed. March 12, 2008	Warrant sent to Town Counsel for initial review <b>Bylaw Review Committee recommendation to Town Counsel</b>
Thurs. March 13, 2008	First Planning Board Public Hearing notice(s) appear in Westford Eagle (at least 14 days before hearing date as required by law)
Tues. March 18, 2008	5:00pm Deadline to submit nomination papers for the May 2 Town Elections to the Town Clerk’s Office for certification (7 weeks prior to election).
Thurs. March 20, 2008	Second Planning Board Public Hearing notice(s) appear in Westford Eagle. Draft Annual Town Meeting Warrant back from Town Counsel
Fri. March 21, 2008	Final Warrant in Selectmen’s packets
Fri., March 21, 2008	Good Friday
Sun., March 23, 2008	Easter Sunday
Mon. March 24, 2008	Planning Board open Public Hearing on zoning and scenic bylaw petitions.
Tues. March 25, 2008	Selectmen to vote on ballot question language for May 6 Town Election ballot (if necessary) Selectmen continue discussion of warrant articles and FY09 budget requests (if necessary) Finance Committee and Selectmen vote on their recommendations on warrant articles (except zoning-related) at a joint meeting and finalize Finance Committee Report. Selectmen to review Warrant from Town Counsel and sign Warrant. If review necessitates revision, Warrant to be signed by Friday, March 28 <sup>th</sup> .

Community Preservation Committee meets with Selectmen and Finance Committee to discuss community preservation funding applications.

- Mon. March 31, 2008      Planning Board opens public hearings on all zoning and scenic roads articles
- Tues. April 1, 2008      4:00 pm - Deadline for Selectmen to submit written notice of ballot question(s) to Town Clerk (MGL Ch.54:42C – at least 35 days prior to election)
- Mon. April 7, 2008      Planning Board holds second public hearing (if necessary) on zoning and scenic bylaw petitions.
- Bylaw Review Committee recommendation to town meeting submitted for inclusion in FinCom book**
- Mon. April 14, 2008      Finance Committee Report goes to the printer (this is a firm deadline, so the warrant needs to be finalized!)
- Tues. April 15, 2008      Deadline to mail notice of street layout public hearing to abutters (at least 7 days before the public hearing).
- Wed. April 16, 2008      8:00pm Voter registration and party enrollment change deadline for Annual Town Election and Meeting.
- Thurs. April 17, 2008      Final Motions back from Town Counsel to go in Selectmen's packets and to the board, committee, department or petitioner proposing the article
- Sunday, April 20, 2008      Passover begins at sundown
- Fri. April 21 – 25, 2008      School Vacation
- Mon, April 21, 2008      Patriots Day holiday
- Tues. April 22, 2008      Annual Town Meeting Warrant posted in Town Hall, post offices and the library (Bylaw Chapter 51.1&2.C.1 "at least 14 days before the election"), and on the web
- Planning Board closes hearings on zoning and scenic bylaw articles. (Because this is less than 21 days prior to Town Meeting, the Planning Board is required by state statute to make a report of its recommendations on zoning articles to Town Meeting)
- Tues. April 22, 2008      Planning Board presents public hearing results on zoning and scenic bylaw and street acceptance articles to the Board of Selectmen.
- Selectmen hold a public hearing for any street layout plans.
- Selectmen review Town Counsel's final wording of motions. Any changes after this date must be in the form of an amendment on the floor of Town Meeting
- Selectmen and Finance Committee finalize positions on warrant articles.
- Thurs. April 24, 2008      Selectmen and Finance Committee positions on articles as voted Tuesday evening appear in the Westford Eagle
- Fri. April 25, 2008      Review of final motions and Town Meeting process with Town Counsel, Selectmen chair, Moderator, Finance Committee Chair, Town Manager, Asst Town Manager, Finance Director & Town Clerk

Mon. April 28, 2008	Motions available to the public
	Deadline for mailing Finance Committee Report to voters (Bylaw Chapter 51.1.C.2 "at least 10 days before the meeting")
Tues. April 29, 2008	Selectmen conduct live Warrant review With committee chairs who are article proponents (joint chairs?)
Fri. May 2, 2008	Deadline to file approved street layout plan with the Town Clerk (at least 7 days prior to Town Meeting per MGL Ch. 82, Sec. 22)
	Deadline for having proposed Power Point presentations for Town Meeting to the Computer Information Systems office
Fri. May 2, 2008	Deadline for submittal for all Town Reports that will be presented at Town Meeting,
Tues. May 6, 2008	Town Election
Sat. May 10, 2008	Annual Town Meeting

Agenda item #7: email from K. Tari to L. Cohen on Dec. 27, 2007

Hi Lynn,

I've just spoken with Bill Turner about Conservation Commission rules and regulations pertaining to hunting. There is a general bylaw regarding the discharging of firearms, but no general hunting bylaw exists. There is, however a ConsCom regulation that does not allow hunting on Conservation property. My concern is in the clarity of the message. How does the bow and arrow hunter looking at our general bylaws know that ConsCom has a regulation forbidding such use of land in their custody?

A few rhetorical questions:

Do we include the regulations and index everything (moving back toward the Code) or should a bylaw be adopted allowing hunting with written permission of the owner, when then directs the hunter to ConsCom?

Can this be discussed as an agenda item at our next meeting?

Thanks,

Kaari

Agenda Item #8 Approval of Minutes

### **General Bylaw Review Committee**

November 26, 2007  
7:30pm – J. V. Fletcher Library

Present: Lynn Cohen, David Chandler & Kaari Mai Tari; absent: Amber Brown

Lynn Cohen called the meeting to order at 7:40pm.

### **Terms of Office**

General Bylaw Review Committee

Page 7

It is unclear if staggered terms have been established for officers of this committee. K. Tari will review the appointment letters and report back. *(answer: all terms are currently set to expire in 2010)*

#### **Election of Officers**

This decision will be made at the next meeting, when all members are present.

#### **Meeting Rules**

L. Cohen will look into parliamentary procedures for small committees and report back.

#### **General Bylaw & Charter Review**

Members will begin to review the general bylaw for inconsistencies within the bylaw and with relation to the Town Charter.

One inconsistency that will need to be addressed relates to the function of the Personnel Advisory Committee.

#### **Review of General Bylaw Amendments**

K. Tari will contact Valerie Wormell to ask that the Town Meeting timeline include review of general bylaw amendments by the committee prior to Town Counsel review.

Future meetings of the General Bylaw Review Committee will be advertised to the public as an opportunity to work on bylaw amendment language with the committee well in advance of submission deadlines. K. Tari will include this information in the online Clerk Notices that is emailed to subscribers.

#### **Next Meeting**

Tentatively scheduled for Monday, December 10, 2007, 7:30pm.

The first meeting of the General Bylaw Review Committee adjourned at 8:45pm

### **General Bylaw Review Committee**

December 10, 2007  
7:30pm – Millennium Building, Room 4

Present: Lynn Cohen, Amber Brown, David Chandler & Kaari Mai Tari.

Lynn Cohen called the meeting to order at 7:43pm.

#### **Election of Officers**

It was voted unanimously that Lynn Cohen would be Chair and Kaari Mai Tari would record the minutes of the meetings as Secretary.

#### **Parliamentary Procedure for small boards**

Members agreed to follow a more informal meeting format appropriate for smaller boards, where no formal second to motions is required.

#### **Terms of Office**

K. Tari reported that all terms are currently set to expire in 2010. Since it is a matter of bylaw, L. Cohen will send a letter to the Selectmen asking them to adjust the terms of office to a staggered timeframe, avoiding expiration of all terms at once.

#### **Responsibilities**

The committee will focus on recommending corrections to any formatting and content inconsistencies in the current bylaw and work with proponents of amended or new bylaws to ensure formatting consistency.

#### **Goal**

General Bylaw Review Committee



The committee expects to have a proposal to present to Special Town Meeting in fall of 2008.

### **Outreach**

~~D. Chandler~~A. Brown will draft a letter of introduction to boards, committees and departments explaining our function and availability to provide assistance if needed.

### **Administrative**

- K. Tari will create an e-group of letter recipients for mailing the letter.
- Everyone should have a clean copy and a working copy of the general bylaws for the next meeting.
- K. Tari will ask Chris McClure, IT Director to set up a General Bylaw Review Committee email address that goes to member emails.
  - A. Brown cautioned member about the dangers of Open Meeting Law violations when using email. Members will not discuss correspondence. The Chair will be the only one to correspond with submitters to schedule discussion of their proposals at regularly scheduled meetings.

### **Meeting Schedule**

The Committee will meet on a regular basis, beginning in January on the 2<sup>nd</sup> and 4<sup>th</sup> Mondays of every month at 7:30pm. L. Cohen will check on possible venues.

### **General Bylaw & Charter Review**

Personnel Advisory Committee: While some inconsistencies between the Bylaw and Charter were corrected by town meeting in 2007, D. Chandler pointed out that the Charter addresses the appointment of employees based on “merit and fitness” while the Bylaw does not use the word fitness.

Appendix A in the Personnel Bylaw is missing.

There was some discussion about the confusion under Chapter 1 of the General Bylaws: Penalties, specifically as they relate to the Board of Health. K. Tari will work on getting the current rules and regulations from that and other departments so that we can work on clarifying the references.

There was discussion as to whether appendices and footnotes be added to the Bylaw to clarify references made to state laws and regulations and whether any bylaws have been superseded by state laws.

### **Town Meeting Timeline**

K. Tari will add the dates that Valerie Wormell proposed for the 2008 Annual Town Meeting timelines and share the timeline with members once it has been finalized but before it is approved by the Selectmen.

The second meeting of the General Bylaw Review Committee adjourned at 9:04 pm.